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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 11000060-0030

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on January 8, 2009
Signature
Typed or printed name Sharon Smith

Application Number	Filed
10/715,781	November 18, 2003
First Named Inventor	
Zyad A. Dwekat, et al.	
Art Unit	**Examiner**
2614	Rasha S. Al Aubaidi

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record. Registration number 60,703

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

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Telephone number

January 8, 2009
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:	
Zyad A. Dwekat, et al.	Examiner: Rasha S. Al Aubaidi
Serial No. 10/715,781	Group Art Unit: 2614
Filed: November 18, 2003	Confirmation No.: 4548
For: SYSTEM AND METHOD FOR MANAGING TELECOMMUNICATION TRUNK GROUPS	

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF

In response to the Final Office Action dated October 17, 2008, Applicants file this pre-appeal brief in conjunction with a Notice of Appeal and request reconsideration of the application for the reasons set forth below.

REMARKS

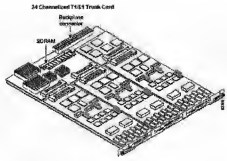
In the Final Office Action dated October 17, 2008, the Examiner rejected Claims 1-34 under 35 USC 103(a) as being unpatentable over Lewis, U.S. Patent No. 6,285,748 (hereinafter "*Lewis*"). Claim 1 is as follows:

> 1. A method for managing telecommunication trunk groups, a trunk group comprising media over which a plurality of trunks are established with hardware associated with the media, the method comprising:
>
> receiving information regarding the configuration of telephony circuits comprising each trunk group to be managed;
>
> receiving traffic information regarding the historical volume of traffic using the hardware associated with a trunk group;
>
> displaying trunk groups; and
>
> displaying information regarding at least one trunk group's configuration and traffic information associated with the at least one trunk group.

With regard to Claim 1, the Examiner asserts that *Lewis* teaches a method for managing telecommunications trunk groups. However, *Lewis* nowhere mentions trunk groups. In the Final Office Action, the Examiner stated that, "a trunk as defined in the Newton's telecom dictionary is the communication line between two switching system. The Lewis reference is directed to managing and controlling communication lines network traffic between terminals that are utilized by users. Thus Lewis obviously directed to managing trunks between or among users within the network, even though Lewis does not specifically disclose the term "trunk group" (emphasis in original)." Applicants respectfully disagree.

The Examiner Legally Errs By Relying On an Extrinsic Definition.

The Examiner legally errs by relying on an extrinsic definition instead of a definition clearly set forth in the specification on page 1, paragraph [0004]. *See* MPEP § 2111.01; "An applicant is entitled to be his or her own lexicographer." The specification states, "As used herein, a trunk is a circuit-based connection used to connect telephone call between the two switching stations" and "a trunk group may comprise connection media and the associated hardware over which multiple trunks are established." For instance, in one embodiment, a trunk group may be a T-1 comprising twenty four trunks. *See* Specification, paragraph [0016]. An example of a T-1 is illustrated below:



The claimed invention is specifically aimed at managing telecommunication trunk groups, such as, but not limited to, the T-1 trunk card illustrated above. *Lewis'* broad disclosure about monitoring and controlling network traffic does not appear to disclose or even suggest managing telecommunication trunk groups as defined by the claimed invention.

The Office Action Fails to Establish a Prima Facie Case of Obviousness Because *Lewis* Does Not Appear To Disclose or Even Suggest All Limitations of the Claims.

The office action fails to establish a prima facie case of obviousness because *Lewis* does not appear to disclose or even suggest all limitations of the claims. For example, Claim 1 recites "receiving information regarding the configuration of telephony circuits comprising each trunk group to be managed." The Examiner cites to *Lewis*, col. 1, ll.35-38 which states, "The traffic monitor information is sent to the network traffic controller which processes and stores the processed traffic monitor information in a database." Neither this portion of *Lewis* nor any other disclose or suggest receiving a configuration of telephony circuits information or the management of trunk groups.

The Examiner also contends that lines 39-52 of Column 1 disclose "receiving traffic information regarding the historical volume of traffic using the hardware associated with a trunk group." Again, nowhere are trunk groups discussed within such reference, much less traffic volume using hardware associated with the trunk group. Instead, the references discusses comparing the volume of voice traffic to data traffic over different portions of a day and differentiating billing rates between the two kinds of traffic. Such discussion is irrelevant to the claimed invention.

Moreover, the Examiner further contends that the mere fact that a "display" is well known somehow anticipates the last two entire elements of Claim 1, even when taken in combination with the remainder of Claim 1. For example, nowhere does *Lewis* disclose, teach, or suggest "displaying

information regarding at least one trunk group's configuration" as recited in claim 1. Obviously, a prima facie case of obviousness has not been made.

With regard to Claims 7, 13, 19, 29, and 34, the Examiner appears to be asserting that table 1 of Column 4 illustrates "determining the percentage utilization of each trunk group." While table 1 does state percentages, that is as close as it comes to disclosing a percentage utilization of a trunk group. Instead, table 1 and the accompanying description describe an example of the use in which office phones and fax machines are utilized to communicate either data (via fax, for example) or voice. Office equipment devices are not trunk groups, and the percentage of use TYPE is not the same as the percentage of USE. Nowhere does Lewis disclose, teach, or suggest such a limitation.

The Examiner Legally Errs By Not Evaluating All the Limitations of the Claims.

The Examiner legally errs by not evaluating all the limitations of the claims. (*See* MPEP § 2143.03; "When evaluating claims for obviousness under 35 U.S.C. 103, all the limitations of the claims must be considered and given weight" and "All words in a claim must be considered in judging the patentability of that claim against the prior art.") (emphasis added). Inexplicably, the Examiner groups all of the various limitations of Claims 2-4, 14-15, 20-23, and 30-31 for the same reasons as discussed above with respect to claims 1, 13, 19, and 29. The only additional explanation is a misapplication of the teachings of *In re Venner*. The Examiner ignores the remaining cited elements of Claims 2-4, 14-15, 20-23, and 30-31, some of which are extremely significant. For example, Claim 3 recites "receiving user input setting a grade of service for the selected trunk group; and calculating the number of trunks required for the selected trunk group to provide the set grade of service" and Claim 4 recites "determining the percent utilization of the selected trunk group that would result if the proposed configuration changes are made." Nowhere does Lewis disclose, teach, or suggest such limitations and the Examiner fails to establish otherwise.

In addition, in discussing the valuable network planning capabilities recited by Claims 5-6, 16-18, and 32-33, the Examiner only states that the fact that trunks may be added to and removed from a network renders the limitations of such claims obvious. The Examiner is ignoring the recited limitations of those claims, particularly when taken together with the limitations of the claims such claims are dependent thereon. Further, regarding Claims 8-10, 24-26, 11, 27, 12, and 28, the Examiner cites seemingly irrelevant portions of *Lewis* without any explanation whatsoever.

Examiner's Rebuttal

In the Final Office Action the Examiner rebuts the some of the above arguments by stating "the Examiner rejected some claims that have similar limitations" and believes that all other limitations are already addressed. Applicants respectfully disagree because claims are not interpreted by similarity, instead all words of a claim must be given patentable weight as necessitated by current case law and MPEP § 2143.03. For example, the Examiner states that Claim 3 and Claim 13 are similar and rejected for the same reason. However, Claim 13 is void of any recitation of a user specified "set grade of service" as recited in Claim 3. Thus, the Examiner has clearly failed to fully examine all limitations of the claimed invention. If the Examiner continues to believe that all limitations have been addressed, Applicants respectfully request that the Examiner specifically point out where each limitation of each claim was previously addressed by the Examiner and disclosed by *Lewis* to enable Applicants a fair opportunity to respond.

CONCLUSION

For the foregoing reasons, and for other apparent reasons, a prima facie case of obviousness against Claims 1-34 under 35 USC 103 has not been made. Applicants respectfully request reconsideration and favorable action.

Applicants believe no fee is due. However, if a fee is due, please charge our Deposit Account No. 19-3140, under Order No. 11000060-0030 from which the undersigned is authorized to draw.

Dated: January 8, 2008

Respectfully submitted,

By: _____

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